

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PENDLETON DIVISION

**ADAM DAVID NILSSON,**

Plaintiff,

v.

**BAKER COUNTY, OREGON et al.,**

Defendants.

No. 2:19-cv-01250-HL

OPINION AND ORDER

**MOSMAN, J.,**

On November 21, 2022, Magistrate Judge Andrew D. Hallman issued his Amended Findings and Recommendation (“F&R”) [ECF 150], recommending that Defendants’ Motion for Summary Judgment [ECF 74] be granted in part and denied in part. No party filed objections.

**DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See*

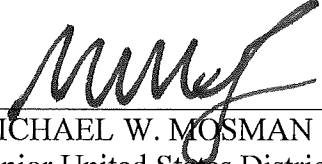
*Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

### CONCLUSION

Upon review, I agree with Judge Hallman's recommendation, and I ADOPT the Amended F&R [ECF 150] as my own opinion. Defendants' Motion for Summary Judgment [ECF 74] is GRANTED IN PART and DENIED IN PART. I GRANT Defendants' motion and enter summary judgment as to all claims and Defendants except for Plaintiff's first claim for relief as to Defendant Ash. I DENY Defendants' motion for summary judgment with respect to Plaintiff's First Amendment claim against Defendant Ash under 42 U.S.C. § 1983 alleging that Defendant Ash obtained a search warrant in retaliation for Plaintiff's exercise of his First Amendment rights.

IT IS SO ORDERED.

DATED this 22 day of November, 2022.

  
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MICHAEL W. MOSMAN  
Senior United States District Judge